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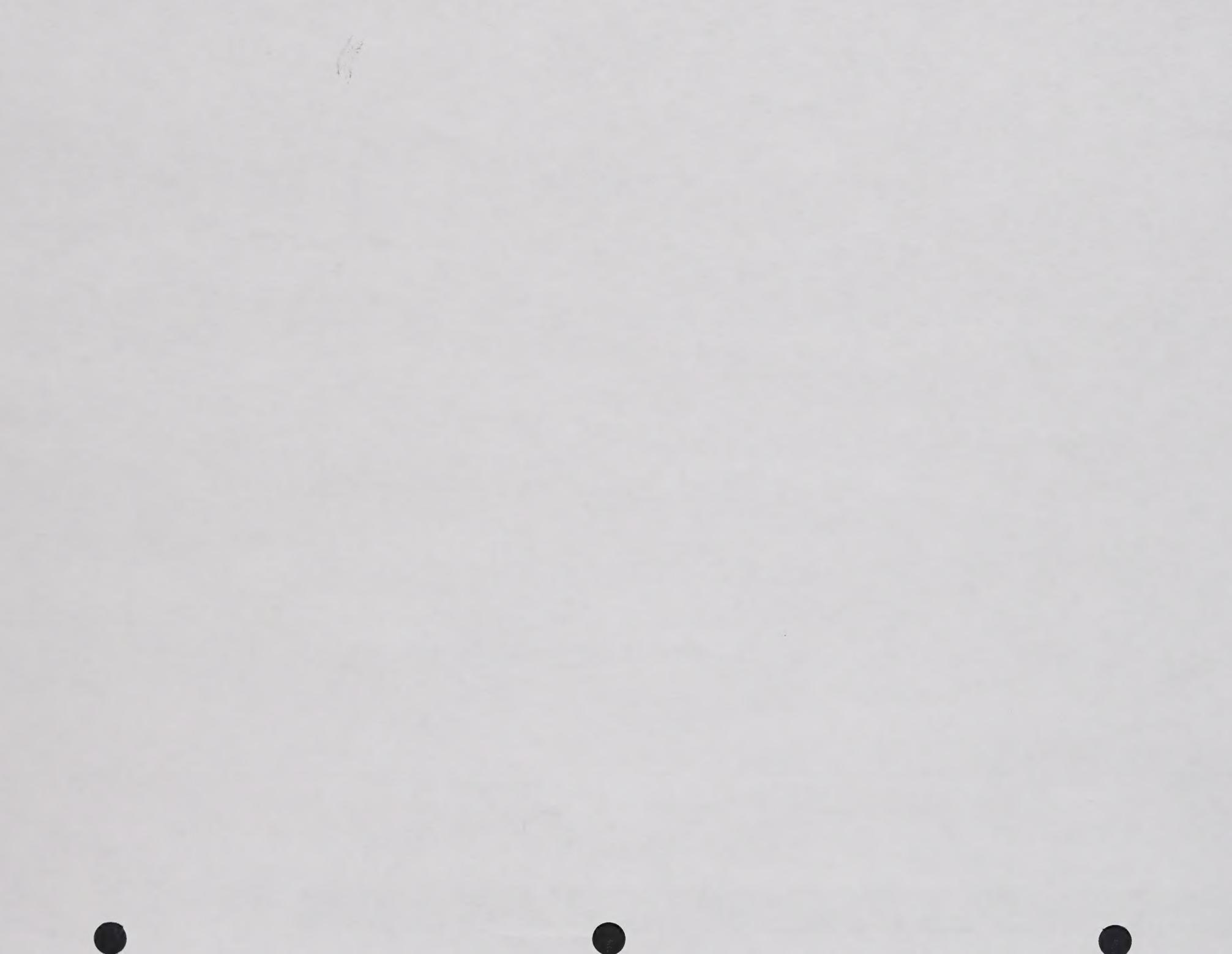
JUL 2 1996

UNIVERSITY OF CALIFORNIA

# **City of San Francisco**

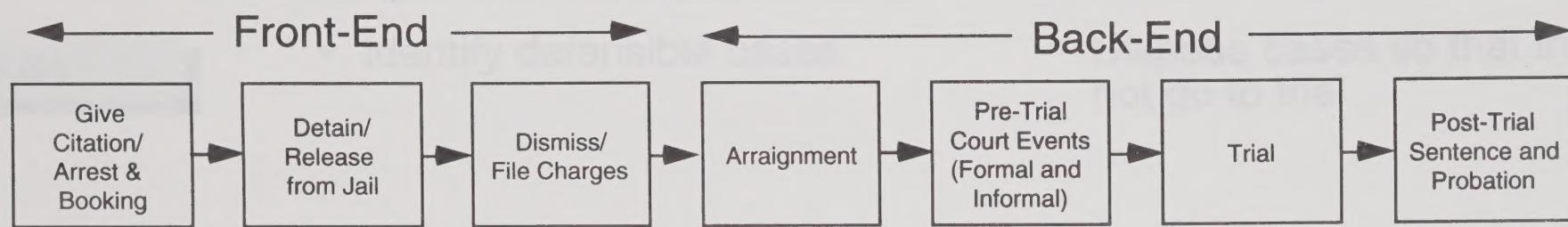
## Criminal Justice Process

January 25, 1993



# The Criminal Justice Process Can Be Divided Into Two Phases

1





DATA FOR THE TWO LINES  
IN COMPARISON WITH THE OTHER TWO

# There Are Different Issues Between the Front-End And the Back-End of the Process

## The Front End

- Identify defensible cases

## Purpose

## Decisions

- Arrest or give citation
- Detain or release
- File or dismiss charge

## The Back End

- Dispose cases so that they do not go to trial

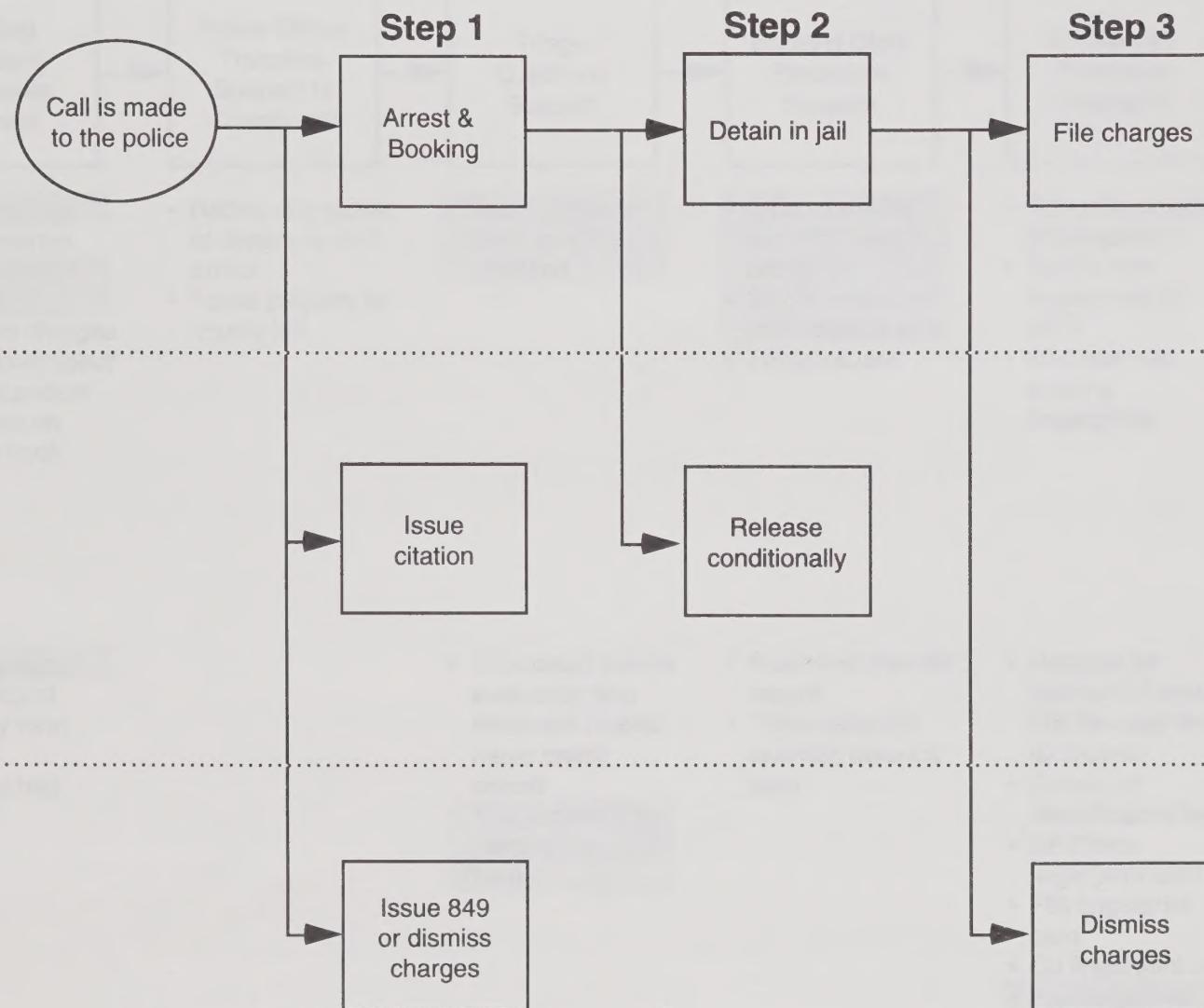
- Bargain or not
- Types of charges to pursue
- Sentence type and severity



# The Front-End Phase Is A 3-Step Process, With Key Decision Points Along the Way

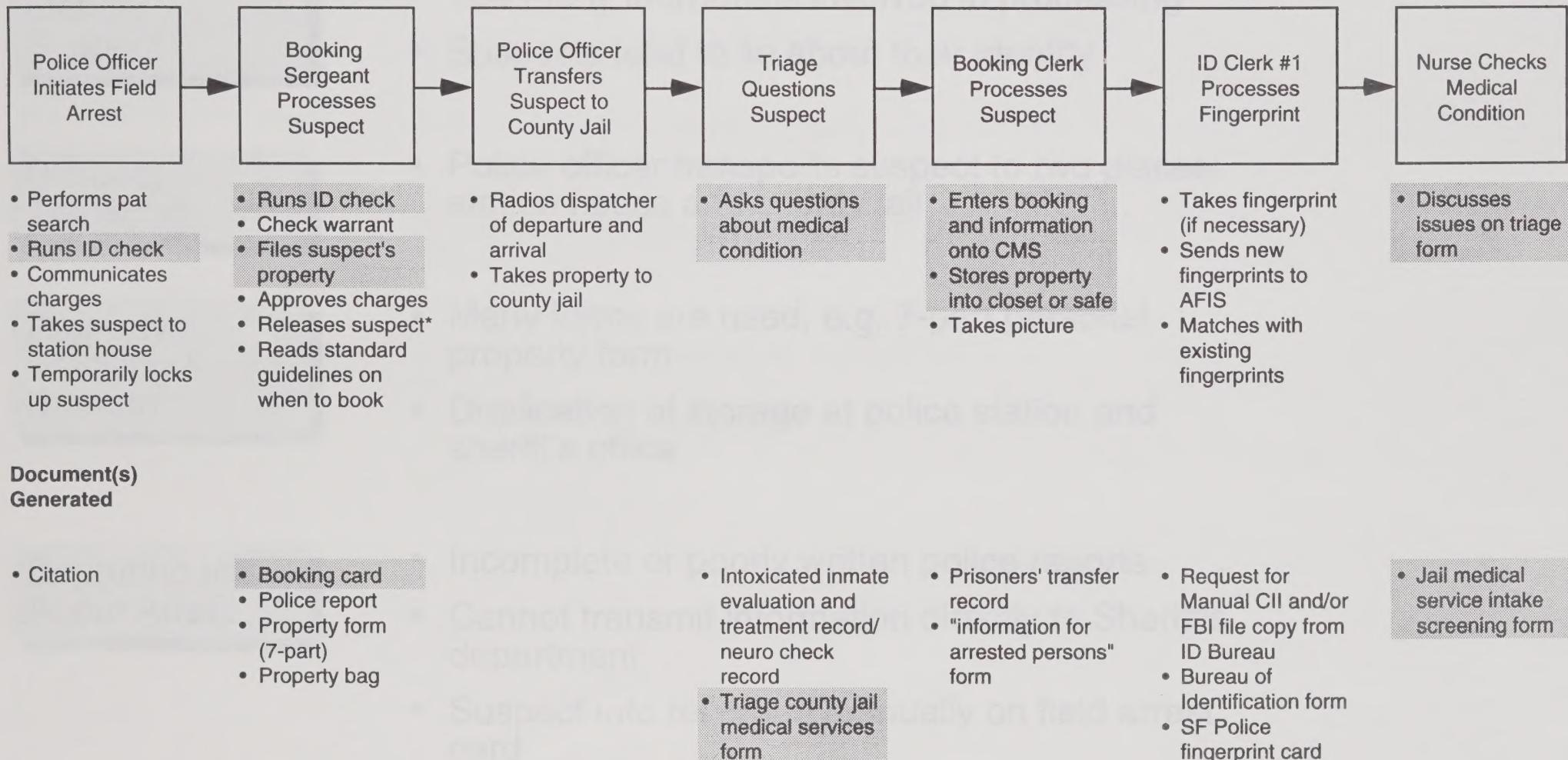
3

**The  
Process**



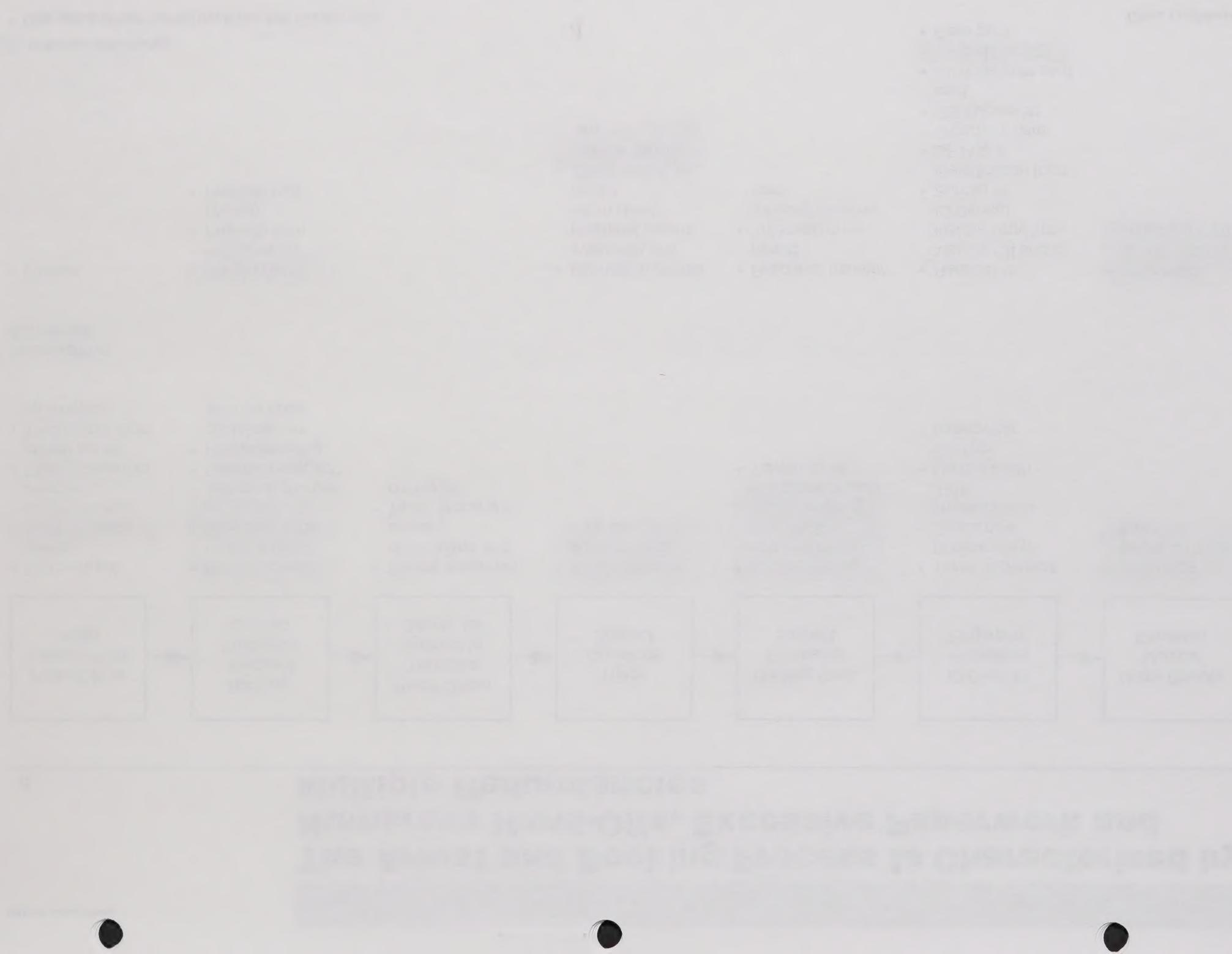


# The Arrest and Booking Process Is Characterized by Numerous Hand-Offs, Excessive Paperwork and Multiple Redundancies



Indicates redundancy

\* Only police officer making the arrest has this authority



## Moreover, There Are Many Issues Related to the Arrest and Booking Process

5

Identify Suspect

- Too many individuals involved in processing
- Suspects tend to lie about their identity

Suspect Transport

- Police officer transports suspect to two places: station house and county jail

Property Tracking & Storage

- Many forms are used, e.g. 7-part personal property form
- Duplication of storage at police station and sheriff's office

Capturing Info About Arrest

- Incomplete or poorly written police reports
- Cannot transmit information directly to Sheriff's department
- Suspect info recorded manually on field arrest card
- Suspect not providing all the information at the arrest site—may reveal other information during the interview



## Retrieving Suspect Info

# Moreover, There Are Many Issues Related to the Arrest and Booking Process (cont.)

- Cannot access data directly from Sheriff's department
- Police officers lacking awareness of info they can access from squad car
- Police not knowing how to use the computer in the squad car
- Police unable to access identification data at the station house [Need to verify this]



# Identify Suspect

## Overview

7

**Impact**

- Costly and time-consuming
  - Suspect is identified at three sites: field arrest site, station house, and county jail

**Issues**

- Many individuals involved in processing:
  - Arresting police officer
  - Booking sergeant (at station house)
  - Booking clerk (at county jail)
  - ID clerk (performing fingerprints)
  - AFIS clerk (processing fingerprints)
- Suspects tend to lie about their identity, although police officers are tracking these aliases

**Estimated Benefit**



# Identify Suspect

## Alternatives & Considerations

8

| Strategy  | Tactics   | Considerations   | Next Steps |
|---|---|--|------------|
| <ul style="list-style-type: none"><li>Identify suspect at arrest site</li></ul> | <ul style="list-style-type: none"><li>Take suspect's fingerprints at arrest site</li><li>Access suspect records via fingerprint input</li></ul> | <ul style="list-style-type: none"><li>Need to invest in new equipment and information system</li></ul> |            |
| <ul style="list-style-type: none"><li>Identify suspect at county jail</li></ul> | <ul style="list-style-type: none"><li>Take suspect directly to county jail upon arrest</li></ul>  |  |            |



# Suspect Transport & Storage

## Overview

9

**Impact**

- Police officer time is tied up with the suspect throughout the arrest and booking process

**Issues**

- Police officer transports suspect to two places: station house and county jail
- Suspect info recorded manually on field arrest card

**Estimated Benefit**



# Suspect Transport & Storage

## Alternatives & Considerations

10

| Strategy   | Tactics  | Considerations   | Next Steps |
|--|--|--|------------|
| <ul style="list-style-type: none"> <li>• Eliminate redundant transportation</li> </ul> | <ul style="list-style-type: none"> <li>• Take suspect directly to county jail upon arrest</li> </ul> | <ul style="list-style-type: none"> <li>• Suspects brought to stationhouse for           <ul style="list-style-type: none"> <li>- Temporary detention of juvenile and drunks</li> <li>- Police officer to get second opinion</li> <li>- Police officer to gather more information about suspect</li> </ul> </li> <li>• Will county jail have enough capacity to if police directly transport suspects?</li> </ul> |            |



# Property Tracking and Storage Overview

11

Impact

- Costly, because a lot of forms and paperwork is involved

Issues

- Lots of forms used:
  - 7-part personal property form
  - Property envelope
  - Property release form
  - Evidence envelope
- Duplication of storage at police station and sheriff's office

Estimated  
Benefit



# Property Tracking and Storage

## Alternatives & Considerations

12

| Strategy   | Tactics  | Considerations | Next Steps |
|--|--|----------------|------------|
| <ul style="list-style-type: none"><li>• Reduce the number of forms</li></ul>                     | <ul style="list-style-type: none"><li>• Standardize on one form/envelope</li></ul> |                |            |
| <ul style="list-style-type: none"><li>• Limit the amount of data collected and tracked</li></ul> |  |                |            |



# Capturing Info About Arrest

## Overview

13

### Impact

- Restricts the percentage of defendants who are arraigned
- One police officer's (booking sergeant's) time doing mostly clerical work

### Issues

- Incomplete or poorly written police reports
- Cannot transmit information directly to Sheriff's department
- Suspect info recorded manually on field arrest card
- Suspect not providing all the information at the arrest site—may reveal other information during the interview

### Estimated Benefit



# Capturing Info About Arrest

## Alternatives & Considerations

14

| Strategy   | Tactics   | Considerations   | Next Steps |
|--|---|--|------------|
| <ul style="list-style-type: none"><li>• Capture information once, at the arrest site</li></ul>       | <ul style="list-style-type: none"><li>• Provide data link between police radio terminal and sheriff systems</li><li>• Eliminate booking sergeant position</li></ul>   | <ul style="list-style-type: none"><li>• Need to invest in new information system</li></ul> |            |
| <ul style="list-style-type: none"><li>• Impose guidelines on the quality of police reports</li></ul> | <ul style="list-style-type: none"><li>• Set new standards for police reports</li><li>• Create a "court officer" position whose job is to ensure completed reports are sent to D.A.</li><li>• Rotate officers in this position</li></ul> |  |            |



# Retrieving Suspect Info

## Overview

15

**Impact**

- Adds to the processing time for police to identify and evaluate arrest

**Issues**

- Cannot access data directly from Sheriff's department
- Police officers lacking awareness of info they can access from squad car
- Police not knowing how to use the computer system in the squad car
- Police unable to access identification data at the station house [Need to verify this]

**Estimated Benefit**



# Retrieving Suspect Info

## Alternatives & Considerations

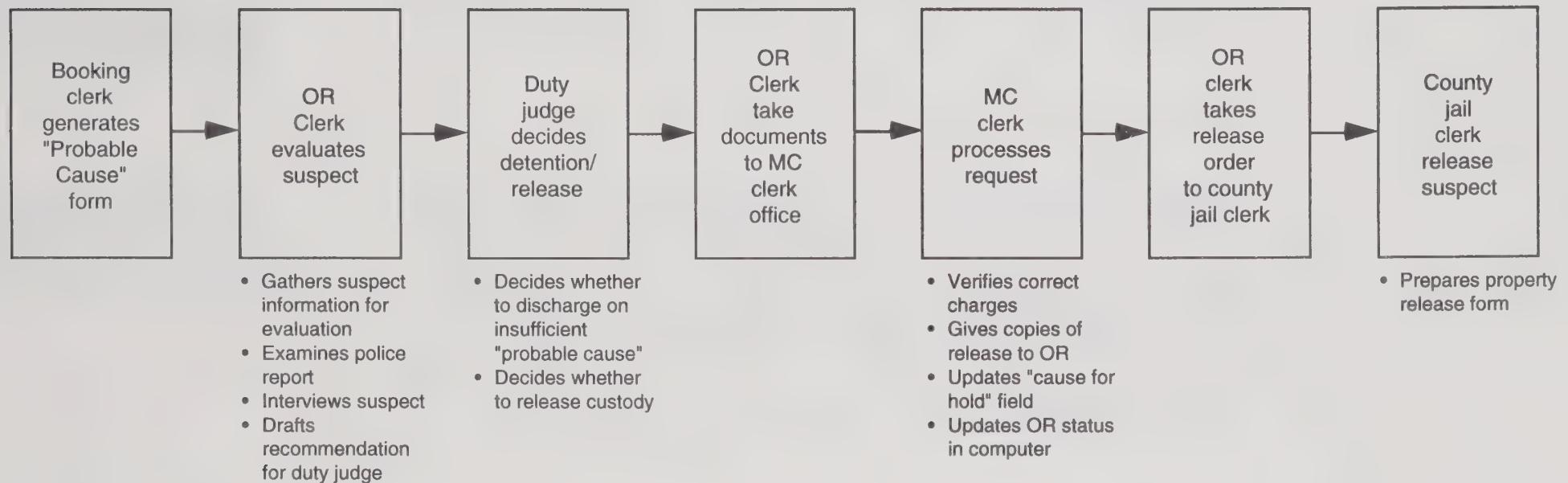
16

| Strategy   | Tactics  | Considerations   | Next Steps |
|--|--|--|------------|
| <ul style="list-style-type: none"> <li>Allow police direct access to suspect records from squad car</li> </ul> | <ul style="list-style-type: none"> <li>Provide data linkage between police communication terminal and sheriff systems</li> </ul> | <ul style="list-style-type: none"> <li>Need to invest in new information system</li> </ul>                             |            |
| <ul style="list-style-type: none"> <li>Get more users on existing system</li> </ul>                            | <ul style="list-style-type: none"> <li>Provide training for officers on existing system in the squad car</li> </ul>              | <ul style="list-style-type: none"> <li>Some officers "grew up" without computers and "rely on their senses"</li> </ul> |            |



# Detain/Release Process: Example of OR Bail Project

17



## Document Generated

- "Probable Cause" form

- OR interview form
- OR "Promise to Appear and Order" form

- Property release form



# Issues with Detain/Release Process

18

Release  
Mechanisms

Decision To  
Release

Processing  
the Release

- Proliferation of release programs, as a way to reduce jail overcrowding
- Releases from sheriff citation average 5.9 days while field citation releases average 0.4 day
- Default process is to book and detain the suspect before duty judge or D.A. makes decision on felony cases
- Evaluation of releases done on adhoc basis
- Multiple handoffs
- County jail will not release without certified form



# Release Mechanisms

## Overview

19

**Impact**

- Costly to have the different types of releases
  - Each release mechanism has its own paperwork and process

**Issues**

- Proliferation of release programs, as a way to reduce jail overcrowding\*

**Estimated Benefit**

19

\* See Appendix B for the types of releases



# Release Mechanisms

## Alternatives & Considerations

20

### Strategy

- Reduce the number of release programs
- Standardize single form/process for the releases

### Tactics

- 

### Considerations

### Next Steps



# Decision to Release

## Overview

21

### Impact

- Costly to temporarily detain suspect in jail

### Issues

- Releases from sheriff's citation averages 5.9 days while field citations average 0.4 day
- The default process is to book and detain the suspect before duty judge or D.A. makes decisions on felony case
  - Police and Sheriff only have authority to release for misdemeanors
  - Court and D.A. have authority to release for felony cases

### Estimated Benefit

- Evaluation of releases done on adhoc basis
  - No mechanism to track failure to appear in court



# Decision to Release

## Alternatives & Considerations

22

| Strategy   | Tactics  | Considerations  | Next Steps |
|--|--|---|------------|
| <ul style="list-style-type: none"><li>• Increase field release, decrease sheriff release</li></ul>   | <ul style="list-style-type: none"><li>• Create an expedite process for suspects targeted for temporary detention</li></ul> | <ul style="list-style-type: none"><li>• Police do not want to be held responsible for releasing suspect</li></ul> |            |
| <ul style="list-style-type: none"><li>• Avoid detaining the suspect<ul style="list-style-type: none"><li>– Eliminate classification step</li></ul></li></ul> | <ul style="list-style-type: none"><li>• Have duty judge make decision vis video conferencing at holding cell</li></ul>     |   |            |



# Processing the Release

## Overview

23

### Impact

- Delays between decision to release and actual release — could be as long as one-half day

### Issues

- Multiple handoffs
  - Booking clerk
  - OR clerk
  - MC clerk
- County jail will not release without certified form (CYA form in case wrong release)

### Estimated Benefit



# Processing the Release

## Alternatives & Considerations

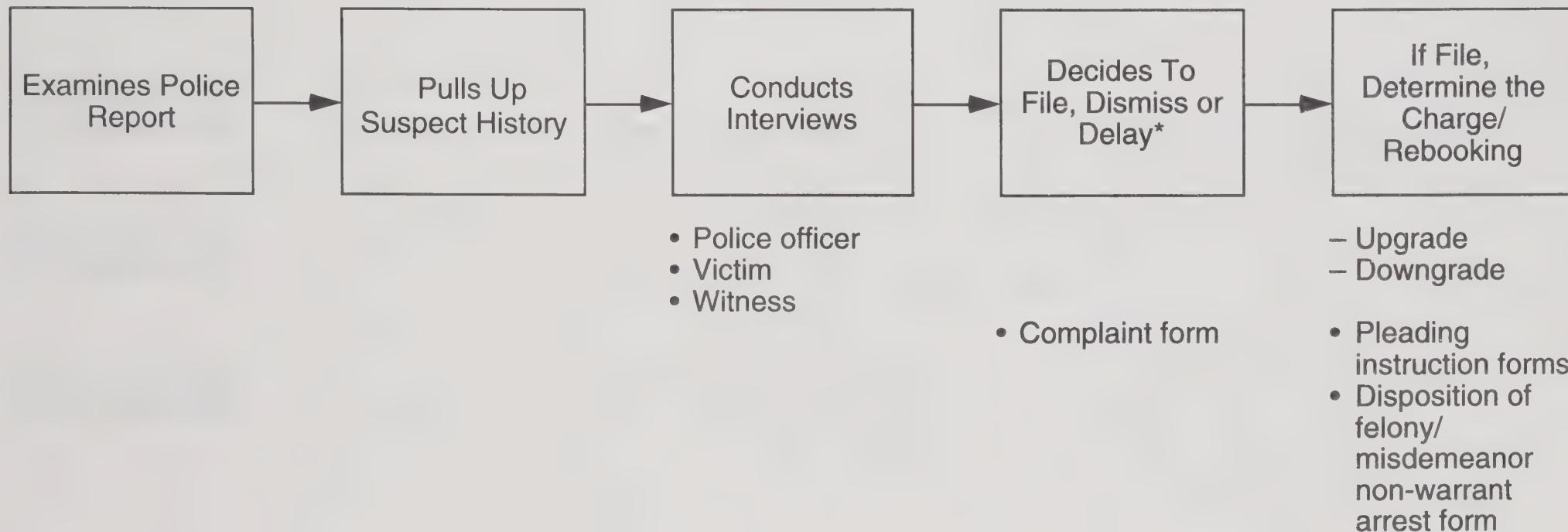
24

| Strategy  | Tactics   | Considerations   | Next Steps |
|---|---|--|------------|
| <ul style="list-style-type: none"><li>• Capture judge's decision at the source</li><li>• Allow sheriff to release suspect from computer order</li></ul> | <ul style="list-style-type: none"><li>• Let MC clerk key in judge's decision directly into terminal</li><li>• Eliminate physical form requirement for release</li></ul> | <ul style="list-style-type: none"><li>• Will require rescheduling to make staff available for weekends</li></ul> |            |



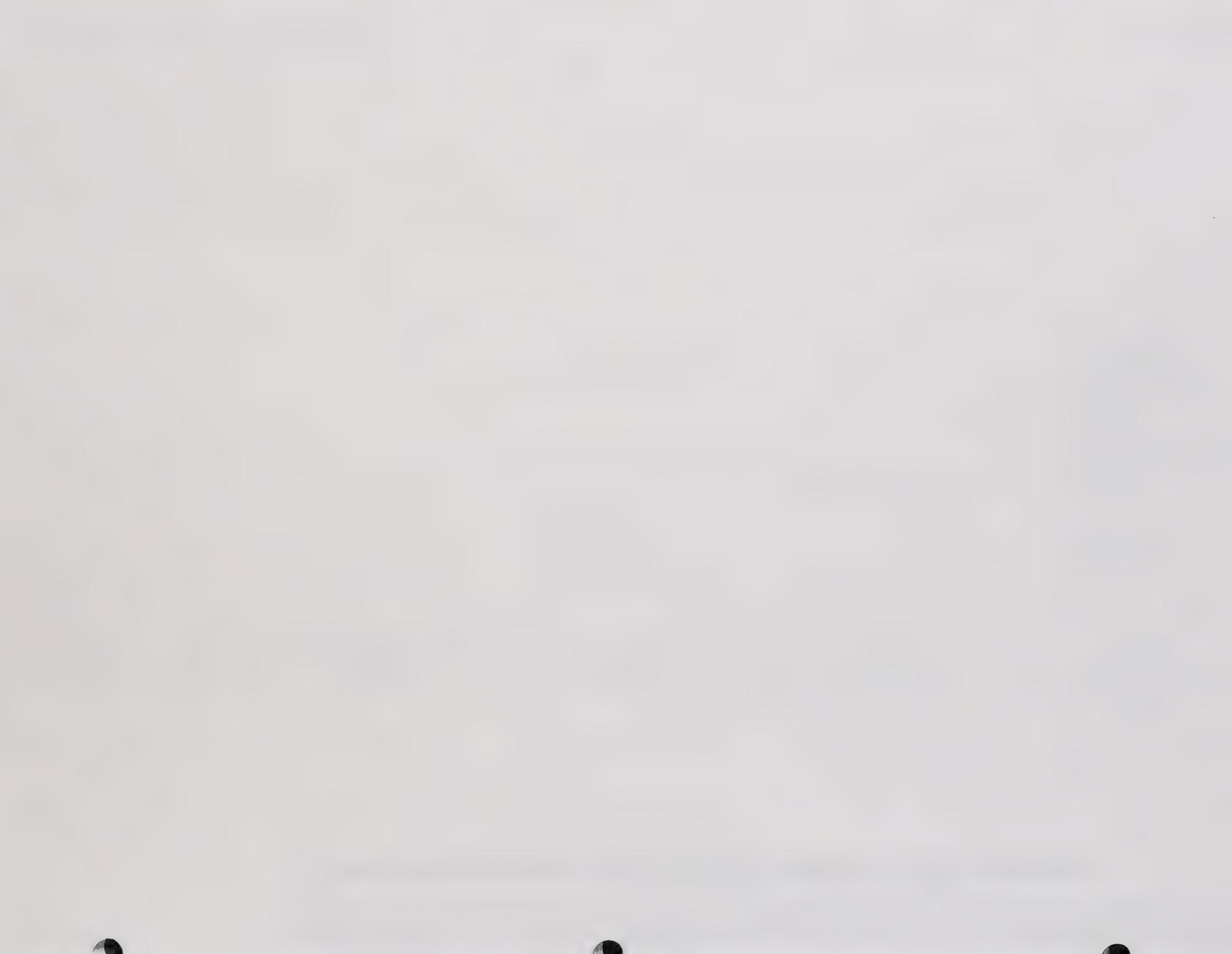
# The Process of File/Dismiss Charges

25



25

\* Delay means suspect must be released from custody



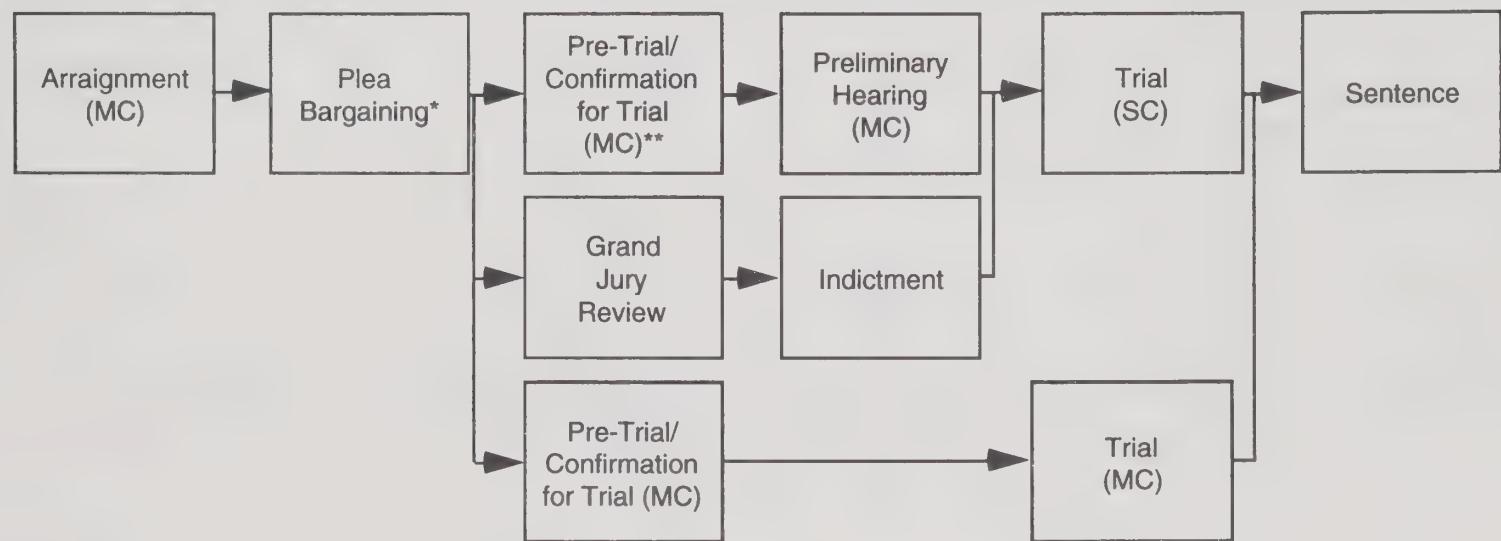
# The Back-End Phase Has Three Possible Routes

26

Felony

Felony

Misdemeanor

Note:

MC = Municipal Court

SC = Superior Court

- \* Plea Bargaining is not a formal court process

- \*\* This step is optional for felony cases



# The Back-End Process Is Complicated by Numerous Court Events that the Suspect Could Go Through

27

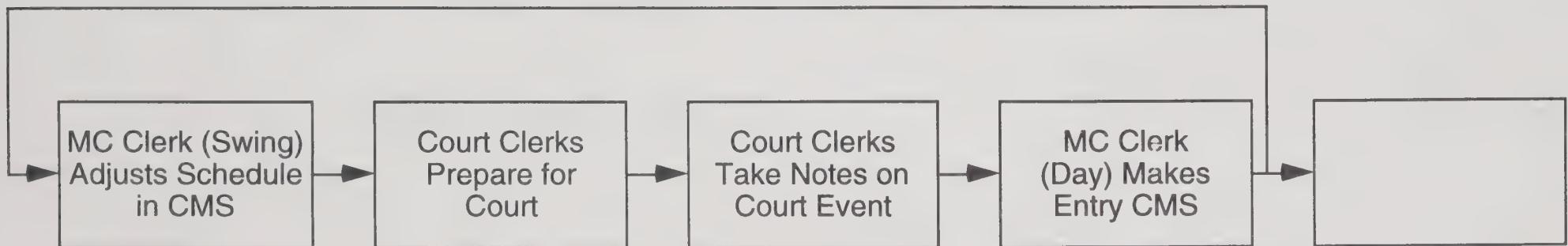
| Court Events<br>Presiding<br>Judge | Pre-Arraignment  | Arraignment   | Pre-Trial  | Trial   | Post-Trial   |
|------------------------------------|--|---|--|---|--|
| Duty Judge                         | <ul style="list-style-type: none"> <li>• Probable Cause</li> <li>• Bench Warrant</li> <li>• Arrest (DA) Warrant</li> <li>• Search Warrant</li> <li>• O/R Release</li> <li>• Diversion Status Report</li> </ul> |   |  |   |  |
| Motion Judge                       |  |   | <ul style="list-style-type: none"> <li>• Motions</li> </ul>  |   |  |
| Trial Judge                        |  | <ul style="list-style-type: none"> <li>• Arraignment</li> </ul> | <ul style="list-style-type: none"> <li>• Pre-trial conference</li> <li>• Set or Dispo (Pre-trial Phase II)</li> <li>• Continuance (for plea, for counsel, etc.)</li> <li>• Preliminary hearing*</li> <li>• Change of plea</li> </ul> | <ul style="list-style-type: none"> <li>• Trial with jury</li> </ul> | <ul style="list-style-type: none"> <li>• Appeals probation hearing sentencing</li> </ul> |

\* Superior Court only



# Each of the Court Events Requires Four Basic Steps of Calendaring and Processing

28



- Balances the schedule among courts
- Prints out new schedule ready for next day
- Files calendar away

- Pulls and verifies necessary dockets

- Makes changes on calendar
- Fills out docket "bluesheet"
- Prepares any forms needed to be signed and gets signature
- Generates minutes

- Enter docket information onto CMS
- Files docket away

**Document(s)  
Generated:**

- Minutes
- Commitment form
- Probation form

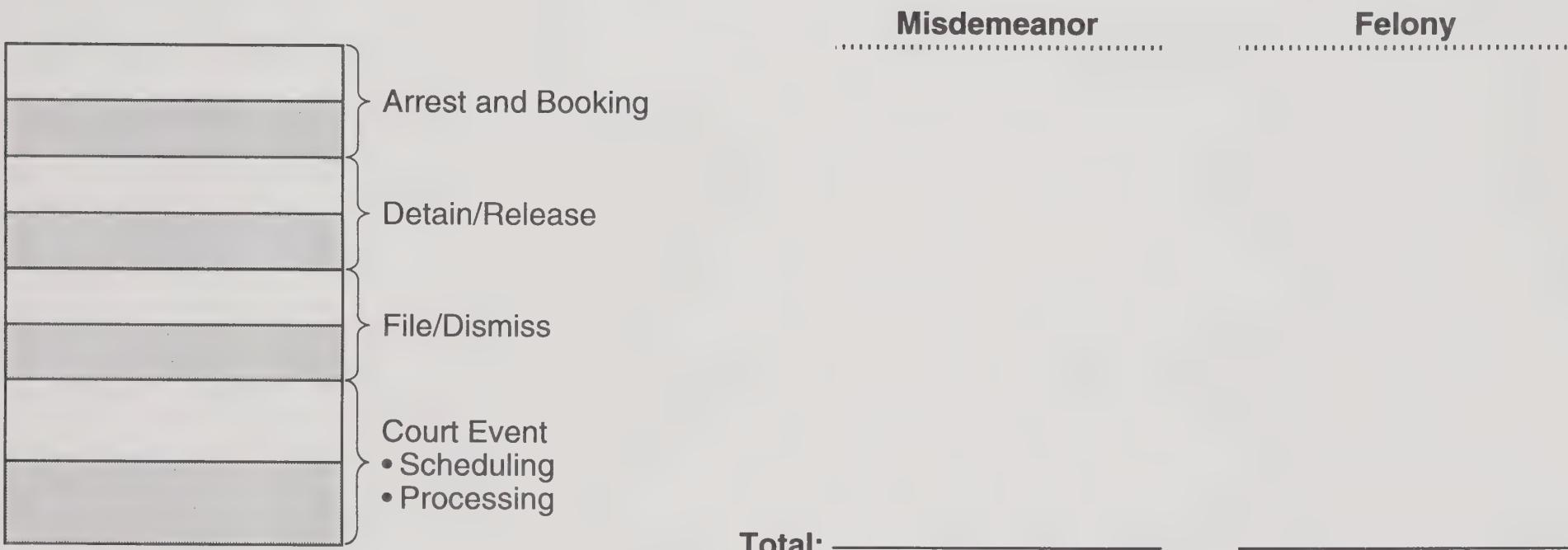


## Appendix A



# The Cost Per Case Is Determined by Four Primary Components...

30



...Where administrative/clerical costs account for \_\_\_\_\_% of total cost



# Vision

31

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# Approximately 60% of the Defendants Are Released at Different Phases in the Criminal Justice Process\*

32

Number of defendants (felony and misdemeanor cases)

Arrest/Give citation

File/Dismiss charges

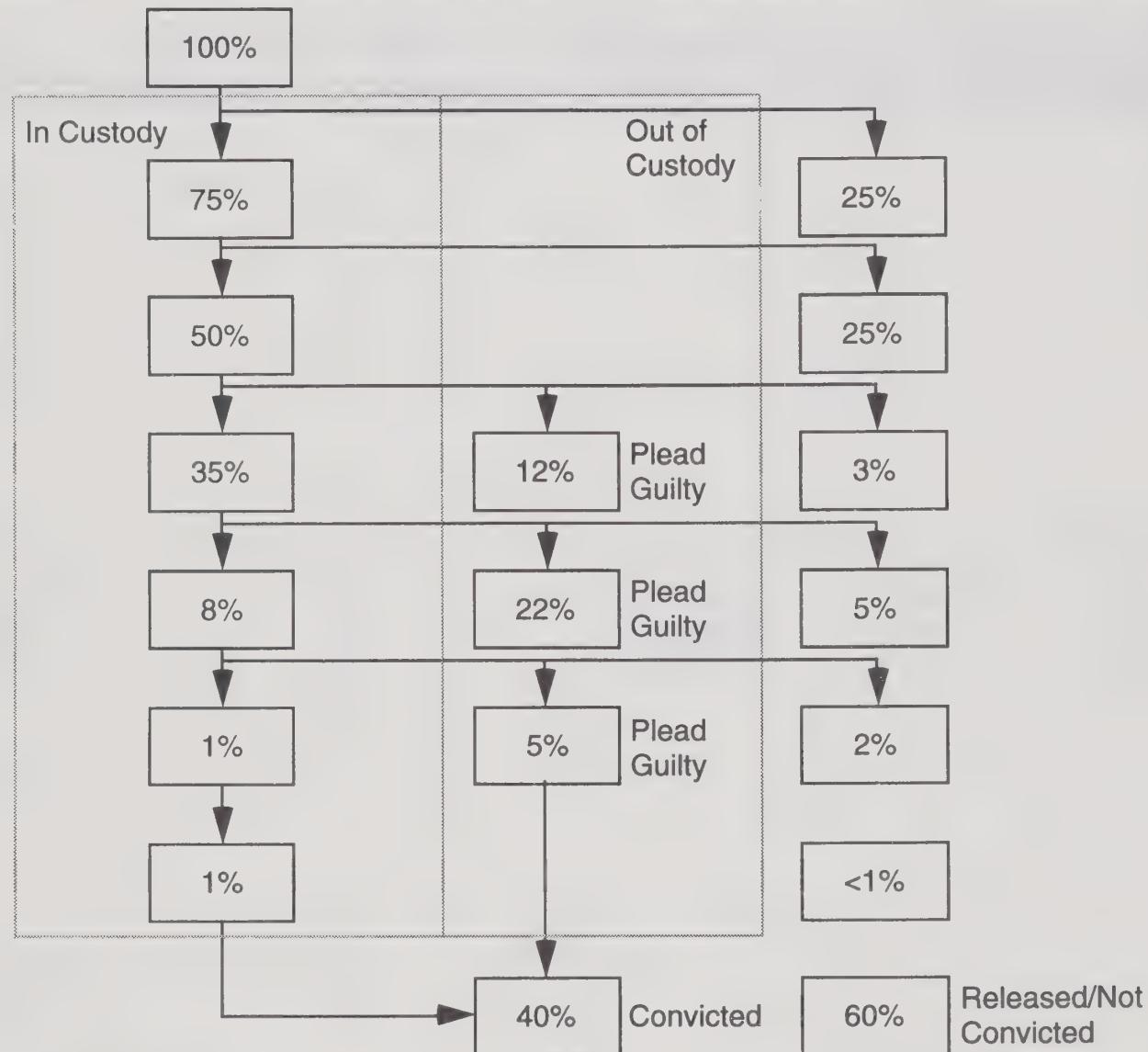
Arraignment

Plea Bargain

Pre-trial/Preliminary hearing

Trial

Sentencing



\*Source: Interview with D.A. from another county

San Francisco Jail Population Management Plan: Causes of Overcrowding Report



# The Stakeholders in the Criminal Justice Process Have Different Interests and Authority

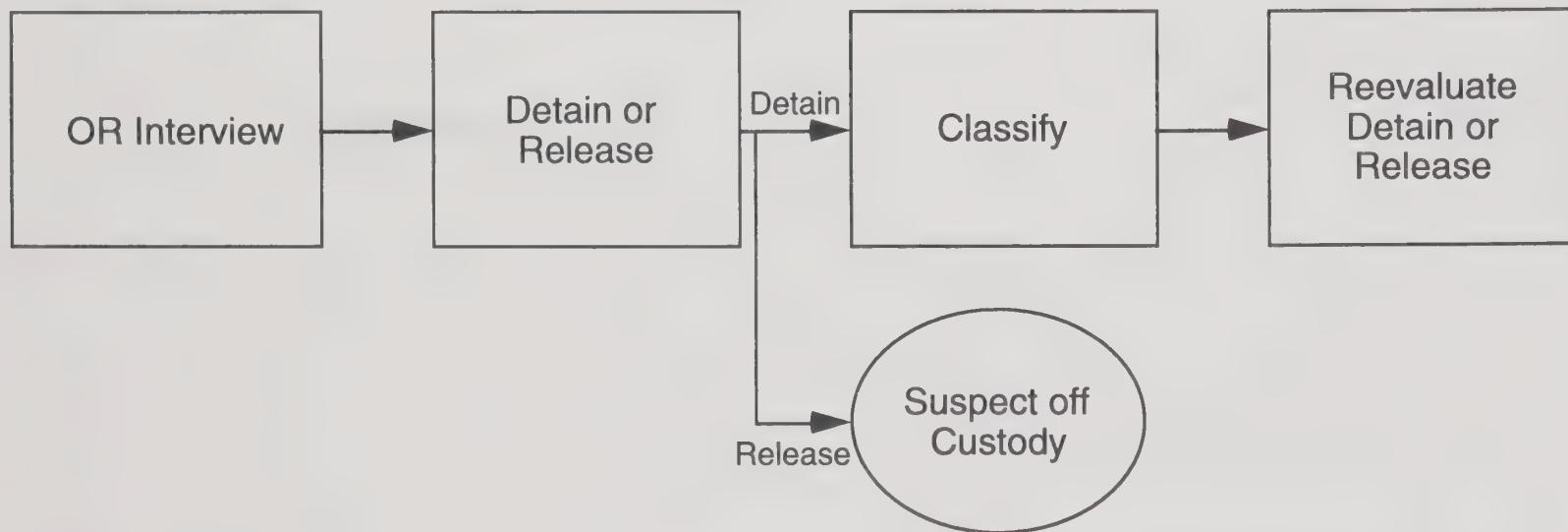
33

|                  | Police  | Sheriff   | Public Defender  | District Attorney  | Municipal Court   | Superior Court  | Probation   |
|------------------|---|---|--|--|---|---|---|
| <b>Interests</b> |   |   | <ul style="list-style-type: none"> <li>• Win their case</li> </ul> | <ul style="list-style-type: none"> <li>• Win their case</li> </ul> |   |   |   |
| <b>Authority</b> | <ul style="list-style-type: none"> <li>• Make arrest</li> <li>• Can dismiss charges based on 849</li> </ul> | <ul style="list-style-type: none"> <li>• Is in charge of suspect's custody</li> </ul> |  |  | <ul style="list-style-type: none"> <li>• Sole authority to formally file charges</li> </ul> | <ul style="list-style-type: none"> <li>• Can dismiss the case</li> <li>• Set bail amount</li> </ul> | <ul style="list-style-type: none"> <li>• Can dismiss the case</li> <li>• Sets the sentence</li> </ul> |
| <b>Others</b>    | <ul style="list-style-type: none"> <li>• Is appointed</li> </ul>  | <ul style="list-style-type: none"> <li>• Is elected</li> </ul>                        |  |  |   |   |   |



# The Process for Determining Whether To Detain/Release the Suspect

34

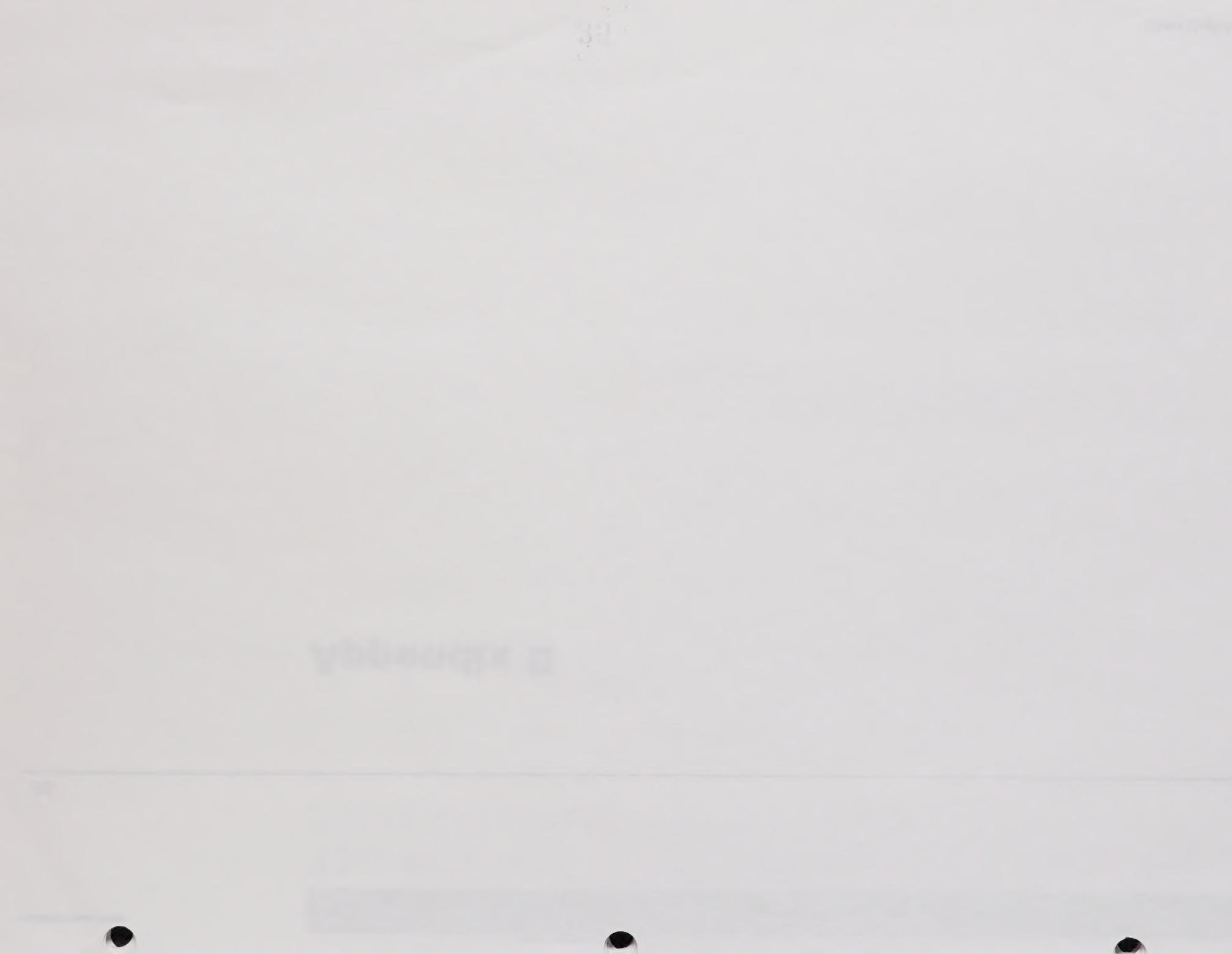


- OR release form
- OR form interview

- Classification unit form

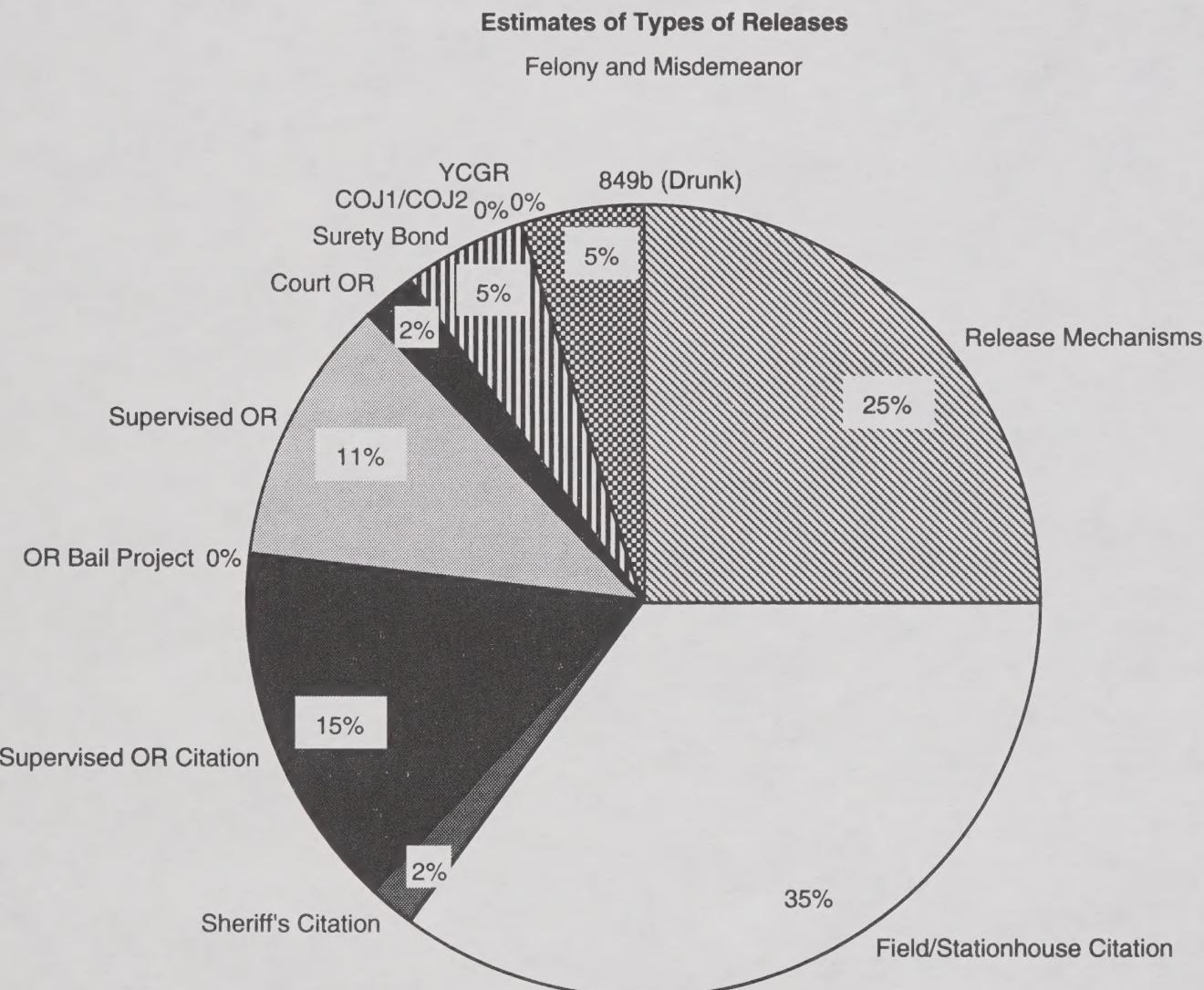


## Appendix B



# Approximately 75% of the Release Mechanisms Are: Field Stationhouse Citation, Sheriff's Citation, and OR Bail Project

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